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Attorney for Plaintiffs, LION RAISINS, INC., a California corporation

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

LION RAISINS, INC.,)	Case No.: 1:09-CV-01900-OWW-SMS
)	
Plaintiff,)	STIPULATION OF DISMISSAL;
)	ORDER THEREON
vs.)	
)	
UNITED STATES DEPARTMENT OF)	
AGRICULTURE; UNITED STATES)	
DEPARTMENT OF JUSTICE,)	
)	
Defendants.)	Hon. Oliver W. Wanger
)	
)	

RECITALS

1. On November 3, 2009, Plaintiff LION RAISINS, INC., a California corporation ("LION") filed its Amended Complaint under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 for injunctive and other relief seeking the disclosure, release, and physical access to agency records allegedly withheld from LION by the UNITED STATES DEPARTMENT OF AGRICULTURE, and its components Agricultural Marketing Service ("AMS"), Office of the General Counsel ("OGC"), and Office of Inspector General ("OIG"), and defendant UNITED STATES DEPARTMENT OF JUSTICE ("DOJ").

2. On January 11, 2010, Defendants USDA and DOJ filed their Answer to Amended Complaint for Declaratory and Injunctive Relief [Freedom of Information Act].

3. On June 20, 2011 Defendants filed their Motion for Summary Judgment pursuant to rule 56 of the Federal Rules of Civil Procedure.

STIPULATION

1. IT IS HEREBY STIPULATED by and between the parties to this action through their designated counsel that the above-captioned action be and hereby is dismissed without prejudice pursuant to FRCP 41(a)(1).

2. IT IS FURTHER STIPULATED that by entering into this STIPULATION, LION does not waive any claims available to it by law, and the doctrines of *res judicata* and/or collateral estoppel are not effectuated by this dismissal.

Dated: June 28, 2011

Respectfully submitted,

LION RAISINS, INC.

By: /s/ Wesley T. Green
WESLEY T. GREEN
Corporate Counsel
Attorney for Plaintiff

Dated: June 27, 2011

BENJAMIN B. WAGNER
United States Attorney
[As authorized on June 27, 2011]

By: /s/ Benjamin E. Hall
BENJAMIN E. HALL
Assistant U.S. Attorney
Attorneys for Defendant

ORDER

IT IS SO ORDERED.

Dated: **June 28, 2011**

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE